

## REMARKS

Claims 1- 21 were pending.

Claims 13-17 and 21 are withdrawn.

Claim 12 is cancelled.

Claims 1-10, 13 and 18-20 are rejected.

### **35 USC 102(b)**

**Claims 1,3, 5 and 18-20 are rejected under 35 USC 102(b) as being anticipated by Brink, US 4,384,897.**

Amended claim 1 includes the limitations of claim 12. Basis of the amendment resides in original claim 12 and further on page 10, 3<sup>rd</sup> paragraph of the specification.

The charged microparticulate material is now specified in claim 1 such that the definition of the microparticulate material clearly differ from the flocculating agents used by Brink (US 4,384,897) which are hydrous oxides obtained by the addition of ferric and aluminum salts (cf. col. 11, lines 23-30).

There is no disclosure of employing as a flocculating agent any water-soluble polymers, water-swallowable polymers or charged microparticulate material selected from swellable clays, anionic, cationic or amphoteric microparticulate silica based materials and organic cross-linked polymeric microparticles.

Therefore, the instant process is not anticipated by Brink, and any combination with Brink cannot lead to the claimed process. Furthermore, no hint is given for modifying the process of Brink, in particular applying the specific flocculating agents to an acidic solids bearing mixture, which would result in the claimed process. Hence, the process is not rendered obvious.

### **35 USC 103(a)**

**Claims 4, 6 and 7 are rejected under 35 USC 103(a) as being unpatentable over Brink, US 4,384,897 in view of Brelsford, US 5,411,594.**

**Claims 8-10 and 13 stand rejected under 35 USC 103(a) as being unpatentable over Brink in view of Kuo, US 5, 529,699.**

As Brinks is clearly very different to the process of the present invention (in at least 3 aspects) and neither Brelsford or Kuo makes up for Brink's deficiencies, the combination cannot be obvious.

### **Double Patenting**

Claims 1-3, 5, 8-10 and 13 and 18-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4, 5, 7, 8,10 and 11 of copending Application NO. 10/523,229 in view of Brink.

Claims 1-10, 13, and 18-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4, 5, 7,8, 10 and 11 of copending Application No. 10/523,229 in view of Brink and further in view of Brelsford,

Both of the above obviousness double patenting rejections require the Brinks reference. As argued above Brinks does not make obvious the present claims. Thus the double patenting rejection is overcome.

Reconsideration and withdrawal of the rejection of claims 1-10, 13 and 18-20 is respectfully solicited in light of the remarks and amendments *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1-10, 13 and 18-20 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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ENCLOSURE: Request for Continued Examination.